

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT  
FILED AT WHEELING, WV

TOUCHSTONE RESEARCH  
LABORATORY, LTD.,

MAR 11 2004

Plaintiff,

NORTHERN DISTRICT OF WV  
OFFICE OF THE CLERK

v.

CIVIL ACTION NO. 5:02CV154  
(STAMP)

ANCHOR EQUIPMENT SALES, INC.,  
d/b/a ANCHOR AUTOCLAVE SYSTEMS,

Defendant.

JOINT REPORT OF PARTIES' PLANNING MEETING

I. Joint Introductory Statement

Pursuant to Fed. R. Civ. P. 26(f) and the Court's First Order and Notice Regarding Discovery and Scheduling entered on February 2, 2004 (the "Court's Order"), a meeting was held on March 8, 2004, by telephone in which the following counsel participated: James F. Companion on behalf of Plaintiff Touchstone Research Laboratory, Ltd.; and W. Gus Saines and Eric Yollick on behalf of Defendant Anchor Equipment Sales, Inc., d/b/a Anchor Autoclave Systems.

II. Pre-Discovery Disclosures

The parties should mutually exchange the initial discovery disclosures required by Fed. R. Civ. P. 26(a)(1) by April 5, 2004, as set forth in the Court's Order.

III. Discovery Plan

The parties propose the following:

- a. Discovery Subjects: Discovery may be taken on issues pertaining to the Plaintiff's various claims as more particularly set forth in Counts I - XI of the First Amended Complaint.
- b. Timing of Discovery: All discovery shall be commenced in time to be completed by August 31, 2004. Any supplementation to requests for discovery pursuant to Fed. R. Civ. P. 26(e) must be done by September 30, 2004.

- c. Depositions: The parties agree to abide by Fed. R. Civ. P. 30 with regard to the number and duration of depositions, unless expansion is deemed necessary once discovery has begun.
- d. Interrogatories: The parties agree to abide by Fed. R. Civ. P. 33, unless expansion is deemed necessary once discovery has begun.
- e. Requests for Admissions: The parties agree to abide by Fed. R. Civ. P. 36, unless expansion is deemed necessary once discovery has begun.
- f. Requests for Production: The parties agree to abide by Fed. R. Civ. P. 34, unless expansion is deemed necessary once discovery has begun.
- g. Expert Reports: Reports from retained experts under Fed. R. Civ. P. 26(a)(2) are due as follows:
  - (1) From Plaintiff by June 30, 2004.
  - (2) From Defendant by July 30, 2004.

#### IV. Other Items


- a. Scheduling Order Conference: The parties submit that a scheduling conference is necessary only if the joint proposed schedule herein is not acceptable to the Court.
- b. Pretrial Conference: The parties request a pretrial conference in October of 2004, subject to the Court's calendar.
- c. Joinder and Pleading Amendments: At this time, the parties do not foresee a need to join other parties or to amend the pleadings. Should the need arise, the parties shall file joinders or amendments by April 1, 2004.
- d. Pending Motions: There are no motions pending before the Court.
- e. Dispositive Motions: All potential dispositive motions should be filed not later than September 30, 2004.
- f. Settlement: The parties are currently engaged in settlement negotiations.
- g. Final Lists of Witnesses and Exhibits: Final lists of witnesses and exhibits under Fed. R. Civ. P. 26(a)(3) shall be due from Plaintiff by November 1, 2004, and from Defendant by November 15, 2004. Parties will have two (2) weeks after service of final lists of witnesses and exhibits to list objections under Fed. R. Civ. P. 26(a)(3).
- h. Trial: The case should be ready for trial, if not resolved on dispositive motions, by December of 2004, and at this time, trial is estimated to take approximately three to four days.

V. Report Pursuant to Local Rule 16.1(b) (a/k/a LR Civ. P. 2.01(b))

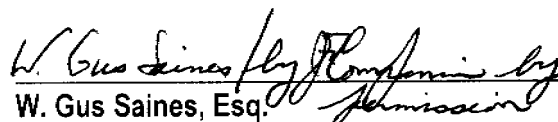
- a. LR 16.1(b)(1): The parties do not consider this case complex in accordance with this local rule.
- b. LR 16.1(b)(2): The parties are not in a position at this time to comment on stipulations of disputed facts pending discovery.
- c. LR 16.1(b)(3): The parties do not consent to trial by magistrate judge.
- d. LR 16.1(b)(4): The parties are open to alternative dispute resolution.
- e. LR 16.1(b)(5): The parties request a pretrial conference in October of 2004, subject to the Court's calendar.

DATED: March 9, 2004

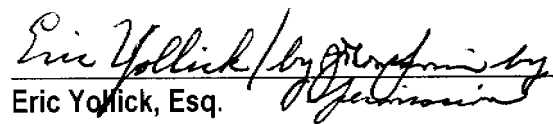
Respectfully submitted,

By:   
**James F. Companion**  
WV State Bar No. 790  
SCHRADER BYRD & COMPANION, PLLC  
The Maxwell Centre  
32-20th Street, Suite 500  
Wheeling, West Virginia 26003  
(304) 233-3390

ATTORNEY FOR THE PLAINTIFF, TOUCHSTONE  
RESEARCH LABORATORY, LTD.

By:   
**W. Gus Saines, Esq.**  
McDermott & Bonenberger, PLLC  
53 Washington Avenue  
Wheeling, WV 26003

-and-

  
**Eric Yollick, Esq.**  
Yollick Law Firm, PC  
10655 Six Pines Drive, Suite 120  
The Woodlands, TX 77380

ATTORNEYS FOR DEFENDANT ANCHOR EQUIPMENT  
SALES, INC., d/b/a ANCHOR AUTOCLAVE SYSTEMS